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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,304	02/24/2004	Dean Vinson Davis	2004P00817US01	2103

7590 12/05/2008  
Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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SIEFKE, SAMUEL P

ART UNIT	PAPER NUMBER
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1797

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12/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## DETAILED ACTION

### *Election/Restrictions*

Claims 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/6/08.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al. (USPN 6,670,608).

Taylor teaches a gas sampling method for a mass spectrometer that comprises evacuating low temperature zone (not heated by heater 44, so inherently lower than the zone in which heater 44 heats) of a sampling system using a vacuum pump (mass spectrometer operating 10 to the minus 6 torr, fig. 3) (col. 3, lines 5-10), admitting a portion of a high temperature (heater 44 heats portion of capillary 32) process stream into the mass spectrometer through an orifice (the point in which the capillary 32 passes

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through wall of the vacuum chamber), maintaining a stable vacuum pressure in the mass spectrometer (inherent for proper functioning of mass spectrometer), introducing a sample from the low temperature zone of the sampling system into a mass spectrometer through a sample introduction valve (the actual introduction through the valve of the mass spectrometer), maintaining a temperature of the low temperature zone above a boiling point of the target sample component at the stable vacuum pressure. It is inherent that the sample is maintained above a boiling point (gaseous state) during analysis in the mass spectrometer because this is how mass spectrometer provides analysis.

### ***Allowable Subject Matter***

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAM P. SIEFKE whose telephone number is (571)272-1262. The examiner can normally be reached on M-F 7:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel P Siefke/  
Primary Examiner, Art Unit 1797